CONFERENCE ON DISARMAMENT

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LETTER DATED 1 OCTOBER 1993 FROM THE REPRESENTATIVE OF THE RUSSIAN FEDERATION ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXTS OF AN AGREEMENT BETWEEN THE GOVERNMENT OF THE RUSSIAN FEDERATION AND THE GOVERNMENT OF UKRAINE ON THE RECYCLING OF NUCLEAR WARHEADS AS WELL AS BASIC PRINCIPLES GOVERNING THE RECYCLING OF NUCLEAR WARHEADS FROM STRATEGIC NUCLEAR FORCES DEPLOYED IN UKRAINE, SIGNED ON 3 SEPTEMBER 1993

I have the honour to forward to you the texts of an agreement between the Government of the Russian Federation and the Government of Ukraine on the recycling of nuclear warheads, as well as basic principles governing the recycling of nuclear warheads from strategic nuclear forces deployed in Ukraine, which were signed by the heads of government of the two countries in Yalta on 3 September this year.

Please take steps to ensure the distribution of the agreement and the basic principles as official documents of the Conference on Disarmament.

(Signed): G. BERDENNIKOV

GE.93-62647 (E)

Agreement

between the Government of the Russian Federation and the Government of Ukraine on the recycling of nuclear warheads

The Government of the Russian Federation and the Government of Ukraine, hereinafter referred to as the Parties,

Reaffirming the attachment of the Parties to the strengthening of the international regime for the non-proliferation of nuclear weapons on the basis of the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968,

Taking into account the Treaty of 31 July 1991 between the Union of Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive arms, and the instruments associated with it,

Taking into account the agreement of 18 April 1992 between the Russian Federation and Ukraine concerning the procedure for the transfer of nuclear munitions from the territory of Ukraine to central locations in the Russian Federation for the purposes of dismantling and destruction,

Have agreed as follows:

Article 1

For the purposes of the present agreement the terms set out below shall have the following meanings:

"Nuclear warhead" - the munition section of a weapon deployed in the territory of Ukraine, which contains nuclear materials in a single structure;

"Nuclear fuel for nuclear power stations" - material containing fissionable nuclides with a uranium-235 concentration of no more than 4.4 per cent, which, when placed in a nuclear reactor, makes possible a nuclear chain reaction;

"Highly enriched uranium" - uranium with a uranium-235 content of 20 per cent or more by weight;

"Low-enriched uranium" - uranium with a uranium-235 content of between 4.4 and 20 per cent by weight;

"Fuel assembly" - a cluster of fuel elements which form a whole and cannot be separated from one another on loading into the core of a reactor, irradiation and unloading;

"Fuel element" - an element of a fuel assembly consisting of the nuclear fuel itself and the fuel jacket, which ensures the safe transfer of heat from the fuel to the coolant;

"Recycling of nuclear warheads" - the process of dismantling, transport, storage and processing with a view to the use of nuclear warhead components for peaceful purposes.

Article 2

1. The Russian Federation shall ensure the recycling of all nuclear warheads deployed in Ukraine.

2. The Russian Federation shall ensure that highly enriched uranium obtained as a result of the recycling of nuclear warheads is reprocessed into low-grade uranium, which shall be used to produce fuel assemblies for nuclear power stations in Ukraine or for other peaceful purposes.

Article 3

1. Fuel assemblies from the Russian Federation for nuclear power stations in Ukraine shall be supplied on the understanding that Ukraine will place its nuclear activities under the safeguards of the International Atomic Energy Agency.

2. For the purpose of attaining the objectives set out in article 2 of the present agreement, the Parties shall conclude a contract. The contract shall be concluded within a period of six months following the entry of the present agreement into force. The Parties may as necessary conclude supplementary contracts in conformity with the present agreement.

3. In the event of any divergences between the present agreement and the contracts concluded in conformity with the present agreement, the provisions of the present agreement shall prevail.

Article 4

Each of the Parties shall designate implementing agencies for the application of the present agreement. For the Russian Federation the implementing agency responsible for the dismantling and transport of nuclear warheads shall be the Ministry of Defence of the Russian Federation, while the implementing agency responsible for processing, storage and accounting shall be the Ministry of Atomic Energy of the Russian Federation; the agencies for Ukraine shall be the Ministry of Defence and the State Committee of Ukraine on the Use of Nuclear Energy. Each of the Parties shall have the right to replace the implementing agency by providing 30 days' notice in writing to the other Party.

Article 5

To ensure the implementation of the present agreement the Parties shall guarantee the unhindered entry and exit of personnel from the Parties and shall grant various reciprocal tax concessions which shall be subject to agreement between the Parties.

Article 6

1. The present agreement shall enter into force on the date of the exchange of notifications by the Parties that they have fulfilled the domestic procedures necessary for the agreement's entry into force.

The present agreement, which shall apply in the context of the pertinent international obligations of the Parties, shall remain in force for 30 years. The period of validity of the present agreement may be modified by written agreement between the Parties.

2. The present agreement may be supplemented or modified by agreement between the signatory Parties.

3. The validity of the present agreement may be brought to an end one year after receipt of written notification to that effect by one of the Parties.

4. Done in Yalta on 3 September 1993 into two copies, each in the Russian and Ukrainian languages, both texts being equally authentic.

For the Government of the Russian Federation

V. Chernomyrdin

For the Government of Ukraine

L. Kuchma

Basic principles

for the recycling of nuclear warheads from strategic nuclear forces deployed in Ukraine

The Government of the Russian Federation and the Government of Ukraine, hereinafter referred to as the Parties, have agreed on basic principles for the recycling of nuclear warheads from strategic nuclear forces deployed in Ukraine:

1. Dismantling and transport

(a) The Parties shall guarantee conditions for removal by the Parties of all types of nuclear warheads from ICBMs and the transfer of these warheads, and also front sections from nuclear ALCMs, to the territory of the Russian Federation with a view to dismantling and recycling.

(b) The implementing agencies of the Parties shall cooperate in the removal, transport and storage of these warheads, and shall be guided by the provisions of the 1992 agreement between Ukraine and the Russian Federation concerning the procedure for the transfer of nuclear munitions from the territory of Ukraine to central locations in the Russian Federation for the purposes of dismantling and destruction.

(c) The Parties shall guarantee security in the process of the operation and removal of nuclear warheads from the missiles and their transport in accordance with current technical requirements and standards regarding nuclear weapons. In this regard, the transport of the nuclear warheads shall be effected by and at the expense of the Russian Party. The Ukrainian Party shall be responsible for ensuring secure conditions for the movement of nuclear warheads on its territory.

(d) Operations for the implementation of paragraph 1 shall be effected in accordance with a schedule to be drawn up by the Parties and confirmed by their heads of government. Account shall be taken of the need to dismantle first of all nuclear warheads for which the time-limit for the use or storage of munitions and individual components has already passed. Compensation for each nuclear warhead removed from Ukraine to the Russian Federation shall be effected within one year after the date on which the warhead crosses the border between the Parties.

2. Procedure for reimbursing the value of nuclear materials

(a) All the highly enriched uranium (approximately 50 metric tonnes) removed from nuclear warheads under the present agreement shall be reprocessed in the Russian Federation into low-grade uranium.

(b) The principles governing accounting for such uranium shall include the following:

(b) (1) Neither of the parties shall subsidize the other.

(b) (2) No profit, no loss.

(b) (3) Prices and expenses to take account of inflation and changes in the world market.

(b) (4) The Russian Federation shall deliver to Ukraine fuel assemblies for nuclear power stations. Compensation for expenses incurred by the Russian Federation in supplying the assemblies for Ukraine shall be made through the sale of uranium extracted from strategic nuclear warheads deployed in Ukraine.

(c) Weapon-grade plutonium extracted from strategic warheads deployed in Ukraine shall be stored in the Russian Federation until such time as the Parties adopt a decision on its recycling.

Ukraine shall receive the value of the weapon-grade plutonium as it is sold, less costs and expenses incurred by the Russian Federation in recycling it.

(d) Non-nuclear components of strategic nuclear weapons extracted from nuclear warheads deployed in Ukraine shall be recycled on terms to be agreed by the Parties.

(e) The Parties shall ensure transparency as regards accounting for the nuclear materials and their value in their activities under (a), (b) (4) and (c).

(f) Fuel assemblies for nuclear power stations in Ukraine shall be supplied on the basis of annual contracts between the implementing agencies of the Parties.

(g) In cases where uranium extracted from warheads located on the territory of Ukraine is sold on the world market, tripartite agreements may be concluded guaranteeing that the Parties will receive appropriate shares of the value of the products.

The validity of the present basic principles shall be the same as that of the agreement of 3 September 1993 between the Government of the Russian Federation and the Government of Ukraine concerning the recycling of nuclear warheads.

For the Government of the Russian Federation

V. Chernomyrdin

For the Government of Ukraine

L. Kuchma